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6 JORGE ENRIQUE ANGEL

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11
12 JORGE ENRIQUE ANGEL,

13 Plaintiff,

14 v.

15 UNITED STATES OF AMERICA,

16 Defendants.
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18
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CASE NO.

**COMPLAINT FOR DAMAGES
UNDER THE FEDERAL TORT
CLAIMS ACT; DEMAND FOR
JURY TRIAL**

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21 **COMES NOW** Plaintiff, Jorge Enrique Angel, and his attorneys, Daniel F.
22 Jimenez of the Law Office of Daniel F. Jimenez, and for their cause of action against
23 the Defendants herein, state and allege the following:

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1 **I. INTRODUCTION**

2 1. Jorge Enrique Angel brings this action under the Federal Tort Claims Act,
3 28 U.S.C. §§ 1346(b), 1401(b), 2401(b) and 2672-2680 (“FTCA”) against the United
4 States of America, acting through its agency, the United States Postal Service for the
5 negligent acts and/or omissions of their officers, officials, agents and/or employees,
6 that resulted in injuries and damages to Plaintiff Jorge Enrique Angel at
7 approximately 3:00 p.m. on March 6, 2021, at Branford St. near Amboy Ave., in the
8 city of Pacoima, in the County of Los Angeles, State of California. On that date, an
9 unknown employee of the United States Postal Service driving a United States Postal
10 Service vehicle in the course and scope of his employment with the United States
11 Postal Service, struck Jorge Angel as he rode his bicycle along Branford St. The
12 Defendant’s negligence was a substantial factor in causing Plaintiff’s injuries and
13 damages.

14 **II. JURISDICTION**

15 2. This action is brought pursuant against the United States of America
16 pursuant to 28 U.S.C. § 2671, et seq., commonly referred to as the “Federal Tort
17 Claims Act.” Liability of the United States of America is predicated specifically on
18 28 U.S.C. §§ 1346(b)(1) and 2674 because the personal injuries and resulting damages
19 that form the basis of this Complaint, were proximately caused by the negligence,
20 wrongful acts and/or omissions of employees of the United States of America, through
21 its agency, the United States Postal Service. These employees were acting within the
22 course and scope of their office or employment, under circumstances where the
23 United States of America, if a private person, would be liable to the Plaintiff in the
24 same manner and to the same extent as a private individual under the laws of the State
25 of California.

26 3. Pursuant to 28 U.S.C. § 2675, the FTCA, this claim was presented to the
27 United States Postal Service (“USPS”) via Form SF-95 on or around May 11, 2021.
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1 Documents supporting the Plaintiff's injuries and damages were sent to the United
2 States Postal Service on or about March 14, 2022. On April 18, 2022, the United
3 States Postal Service denied this claim.

4 **III. VENUE**

5 4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) and 28
6 U.S.C. 1391(e).

7 **IV. PARTIES**

8 **A. Plaintiff**

9 5. Plaintiff, Jorge Enrique Angel ("Angel"), has at all times relevant to this
10 claim been a resident in the County of Los Angeles.

11 **B. Defendant**

12 6. At all times relevant herein, the United States of America ("USA") is and
13 was a sovereign nation, and exists under the Constitution and the laws enacted by the
14 United States Congress. The United States Postal Service ("USPS") is an independent
15 establishment of the Executive Branch of the Government of the United States
16 pursuant to 39 U.S.C. § 201, and is organized and existing under the laws of the United
17 States of America and the United States Constitution. Liability claims against the
18 USA and USPS are governed by the Federal Tort Claims Act, 39 U.S.C. § 409(c),
19 whose provisions are set forth at 28 U.S.C. § 1346(b), 2401(b) and 2677-2680.

20 7. Upon information and belief, and all times material hereto, the unknown
21 driver of the USPS vehicle was an individual who, at all times relevant herein, was an
22 employee of Defendant USPS. On March 6, 2021, in the course and scope of their
23 employment, the unknown driver of the USPS vehicle negligently operated a USPS
24 vehicle which struck Angel's bicycle and injured Angel.

25 **C. Agency and Concert of Action**

26 8. At all times herein mentioned, Defendants, and each of them hereinabove,
27 were the agents, servants, employees, partners, aiders and abettors, co-conspirators
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1 and/or joint venturers of each of the other Defendants named herein, and were at all
2 times operating and acting within the purpose and scope of said agency, service,
3 employment, partnership, enterprise, conspiracy and/or joint venture, and each
4 Defendant has ratified and approved the acts of each of the remaining Defendants.
5 Each of the Defendants aided and abetted, encouraged and rendered substantial
6 assistance to the other Defendants in breaching their obligations to Plaintiff, as alleged
7 herein. In taking action to aid and abet and substantially assist the commission of
8 those wrongful acts and other wrongdoings complained of, as alleged herein, each of
9 the Defendants acted with an awareness of his/her/its primary wrongdoing and
10 realized that his/her/its conduct would substantially assist the accomplishment of the
11 wrongful conduct, wrongful goals and wrongdoing.

12 **IV. GENERAL ALLEGATIONS**

13 9. On Saturday, March 6, 2021, at approximately 3:00 p.m., Angel was
14 travelling on Branford Street, in Pacoima, California.

15 10. On Saturday, March 6, 2021, at approximately 3:00 p.m., an unknown
16 employee of the USPS, was acting in the course and scope of their employment, when
17 they were operating a white USPS vehicle owned by the USPS. It was also traveling
18 Branford St. in Pacoima, California.

19 11. The unknown driver of the USPS vehicle failed to consider the conditions
20 of traffic and struck Angel's bicycle.

21 12. Angel sustained injuries from the collision to his left knee, left elbow,
22 neck and back, in addition to emotional distress, stress, fear, anxiety, pain and
23 suffering. Angel was transported by Los Angeles Fire Department ambulance to
24 Pacifica Hospital of the Valley. Afterward, he underwent physical therapy for several
25 months and pain management consultations.

FIRST CAUSE OF ACTION - NEGLIGENCE

14. All of the foregoing allegations are incorporated herein as though fully set forth in detail below.

15. At the time and place alleged hereinabove, while Angel was travelling on Branford St. in Pacoima, CA, Defendants did so negligently entrust, own, maintain, operate and drive the aforementioned USPS vehicle, so as to cause it to collide with Angel's bicycle, thereby causing the injuries and damages described herein.

16. Defendant United States of America's employee was negligent in failing to observe the conditions of traffic ahead of him. He was further negligent in failing to be properly attentive and otherwise failing to act prudently under the circumstances, all of which negligence and carelessness constitute the proximate cause of the collision and the injuries and damages to Angel described herein.

17. California Vehicle Code section 22350(a) states: "No person shall drive highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property."

18. Defendant USA's employee, did so move the USPS vehicle forward at an unsafe speed without ensuring they had enough time and distance to avoid a collision with Angel's bicycle.

19. As a proximate cause of violating California Vehicle Code section 22350, Angel suffered the herein-described injuries when he was struck by the USPS vehicle, owned and maintained by Defendant USA and USPS and operated by the unknown USPS employee.

20. As a proximate result of these injuries, Angel has endured and will continue to endure great pain and suffering, and mental anguish.

21. Angel has expended, and will continue to expend, large sums for medical expenses, and as a proximate result of the negligence of Defendants, and each of them,

1 Angel will continue to incur medical and incidental expenses, the exact amount of
2 which is unknown to Angel at this time.

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4 WHEREFORE Plaintiff, Angel pray for judgment in his favor and against
5 Defendant United States of America as follows:

- 6 A. Compensatory damages, including damages for past and future physical
7 pain and suffering, mental anguish and emotional distress, medical
8 expenses, loss of enjoyment of life, and any other compensatory
9 damages, for each count alleged in the Complaint, and in the total amount
10 of \$100,000.00;
- 11 B. Interest accrued after judgment;
- 12 C. Costs of suit;
- 13 D. Attorney's fees pursuant to 28 U.S.C. §2412(b);
- 14 E. Any other such and further relief as the Court deems just and proper.
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16 **DEMAND FOR JURY TRIAL**

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18 Plaintiff, JORGE ENRIQUE ANGEL, hereby demands a jury trial in this
19 matter.

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CERTIFICATION AND CLOSING

Under *Federal Rule of Civil Procedure* 11(b), by signing below, I certify to the best of my knowledge, information and belief that this Complaint: (1) is not being presented for an improper response, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support, or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the Complaint otherwise complies with the requirements of Rule 11.

DATED: September 28, 2022

By: /s/ Daniel F. Jimenez
DANIEL F. JIMENEZ
Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the United States District Court Central District of California by using the CM/ECF system on September 28, 2022.

I further certify that all participants in the case appear to have been registered CM/ECF users and that service should therefore be accomplished by the CM/ECF system via electronically mail to all counsel of record.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 28, 2022 in Los Angeles, California.

/s/ Daniel F. Jimenez

Daniel F. Jimenez